IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Bail Appl..No. 2027 of 2007()

C.R. NO. 11 OF 2003 OF ERATTUPETTA EXCISE RANGE

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PETITIONER/ACCUSED :

M.T. BABU, S/O/THANKAPPAN,
MANATHANATHU HOUSE, KAIPPALLY P.O.
POONJAR THEKKEKARA VILLAGE, KOTTAYAM DISTRICT

BY ADV. SRI.P.N.SASIDHARAN
SRI.C.A.ANUPAMAN

RESPONDENT:

STATE OF KERALA, REPRESENTED BY THE EXCISE INSPECTOR.,
EXCISE RANGE OFFICE, ERATTUPETTA
NOTICE TO WHOM MAY BE SERVED ON THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA ERNAKULAM

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Bail Application NO. 2027 of 2007

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DATED: 04-04-2007

O R D E R

Petitioner who is the accused in C.R. No. 11 of 2003 of Erattupetta Excise Range for an offence punishable under Section 8(2) of the Abkari Act for having been found in possession of 3 litres of illicit arrack on 13-8- 2003 and who was arrested on 12-1-2007 in connection with C.R. No. 1/2007 and whose formal arrest was recorded in this case on 31-01-2007, seeks his enlargement on bail.

2. The learned Public Prosecutor, on instructions, submitted that no final report has been filed even after 60 days of judicial custody of the petitioner. If so, by virtue of the proviso to sec.167(2) Cr.P.C. the petitioner is entitled to be released on bail as of right.

3. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.-Erattupetta, and subject to the following conditions:-

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. Petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

3. The petitioner shall make himself available for interrogation as and when required by the investigating officer.

4. Petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE

mt/-

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioner and the other circumstances of the case etc., I am inclined to grant bail to the petitioner. Accordingly, the petitioner is directed to be released on bail on his executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M.Erattupetta, and subject to the following conditions:

1. Petitioner shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioner shall make himself available for interrogation as and when required by the police till the filing of the final report.

3. The petitioner shall not influence or intimidate the prosecution witnesses nor shall he attempt to tamper with the evidence for the prosecution.

4. The petitioner shall not commit any offence while on bail.

If the petitioner commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

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